

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WILLIAM E. DUGAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 1011
)	
MAHONEY & ASSOCIATES, LLC,)	JUDGE ROBERT W. GETTLEMAN
an Illinois limited liability company,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on September 2, 2008 and August 25, 2009, request this Court enter judgment against Defendant, MAHONEY & ASSOCIATES, LLC, an Illinois limited liability company. In support of this Motion, Plaintiffs state:

1. On September 2, 2008, this Court entered default against Defendant and granted Plaintiffs' request for an order directing an audit of the Defendant's payroll books and records. The Court also entered an order that judgment would be entered after the completion of the audit.
2. Plaintiffs' auditors completed the audit on July 10, 2009. The audit findings show that the Defendant is delinquent in contributions to the Welfare and Pension Funds in the amount of \$12,787.39. (See Affidavit of Thomas M. Bernstein).
3. Additionally, the amount of \$1,433.93 is due for liquidated damages. (Bernstein Aff. Par. 5). Plaintiffs' auditing firm Graff, Ballauer & Blanski, P.C. charged Plaintiffs

\$10,085.65 to perform the audit examination and complete the report (Bernstein Aff. Par. 6).

The audit findings are attached hereto.

4. Defendant submitted a monthly contribution report to the Plaintiffs identifying employees of the Defendant who performed work covered by the collective bargaining agreements, and the number of hours worked by or paid to those employees for the month of January 2008. Said monthly contribution report establishes that Defendant owes Plaintiff Welfare Fund the amount of \$375.00. (Bernstein Aff. Par. 7(b)).

5. Defendant submitted monthly contribution reports for the months of September 2007 through November 2007 and July 2009, but shorted the contributions due and owing. Accordingly, there remains contributions due pursuant to this shortage of \$615.00 to the Welfare Fund and \$54.45 to the Pension Fund. (Bernstein Aff. Par. 7(c)).

6. Defendant submitted monthly owner/operator contribution reports for the months of August 2005 through September 2009, but failed to submit the contributions that it acknowledges therein to be due as set forth below:

	<u>Contributions</u>
Welfare Fund	\$64,035.00
Pension Fund	\$44,715.00
Retirement Enhancement Fund	\$ 1,500.00
Apprenticeship Fund	\$ 3,750.00

(Bernstein Aff. Par. 7(d)).

7. Pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant in the amount of ten (10%) percent of all contributions due and unpaid and all contributions which were paid late, for the months of August 2005 through September 2009, in amounts set forth below:

	<u>Liquidated Damages</u>
Welfare Fund	\$6,715.50
Pension Fund	\$4,485.75
Retirement Enhancement Fund	\$ 157.50
Apprenticeship Fund	\$ 390.00

(Bernstein Aff. Par. 8).

8. In addition, Plaintiffs' firm has expended the amount of \$715.00 for costs and \$12,744.50 in attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).

9. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$164,559.67.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$164,559.67.

/s/ Catherine M. Chapman

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 2nd day of September 2009:

Mr. Clinton Mahoney, Registered Agent/Manager
Mahoney & Associates, LLC
10809 Chaucer Drive
Willow Springs, IL 60480-1148

/s/ Catherine M. Chapman _____

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